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COMMITTEE ON THE RIGHTS OF THE CHILD

Seventh session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

# Concluding observations of the Committee on the Rights of the Child: Indonesia

1. The Committee began consideration of the initial report of Indonesia (CRC/C/3/Add.10) at its 79th to 81st meetings (CRC/C/SR.79 to 81), held on 22 and 23 September 1993. In view of the fact that there was not sufficient time during the session to fully clarify a number of questions, the Committee decided not to conclude the consideration of that report. The State party was requested to provide additional information, before 31 December 1993, in response to issues of concerns spelled out in the Committee's preliminary observations (CRC/C/15/Add.7, paras.7-18), for consideration by the Committee at its seventh session. After considering the additional information provided by the Government of Indonesia (CRC/C/3/Add.26) at its 161st and 162nd meetings held on 28 and 29 September 1994 (CRC/C/SR.161 and 162), the Committee concluded its consideration of the initial report of Indonesia and adopted */ the following concluding observations:

## A. Introduction

2. The Committee expresses its appreciation of the Government of Indonesia's cooperation in providing additional information to the initial report and complying with the Committee's request to resume the consideration of that report at its seventh session. However, the Committee considers that several of the concerns it raised previously, with regard to the implementation of the Convention in the State party still remain to be addressed effectively.

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*/ Adopted at the 183rd meeting, held on 14 October 1994.

## B. Positive aspects

3. The Committee notes with satisfaction the importance attached by the State party to the Committee's advice and assistance on measures to be taken to improve the implementation of the rights of the child and welcomes the State party's commitment to cooperating with the Committee, other United Nations bodies and agencies and non-governmental organizations with a view to reviewing and developing policies and programmes aimed at enhancing the situation of children.

4. The Committee takes note of the willingness expressed by the State party to review its national legislation in the light of its obligations under the Convention. It welcomes, in particular, the integration of the rights of the child into the national development programmes, pursuant to the Basic Guidelines of State Policy (GBHN) of 1993, and its National Human Rights Programme, in conformity with the Vienna Declaration and Programme of Action. The decision to introduce a "Village Program" with a view to promoting child welfare and a greater awareness of the rights of the child at the grass-root level as well as the organization of Seminars and Workshops in the field of human rights are other positive developments.

5. The Committee welcomes the decision of the State party to withdraw the reservation (qualified by the delegation of the State party as a declaration) made, at the time of ratification, with regard to articles 1, 14, 16 and 29 of the Convention. It also notes the statement made by the State party that it will soon inform the Secretary-General that all articles of the Convention are regarded as applicable by the State party.

## C. Factors and difficulties impeding the implementation of the Convention

6. The Committee takes note of the difficulties impeding the rapid implementation of the Convention in the State party, particularly the existence of 360 ethnic groups, the dispersal of the population throughout the Indonesian archipelago, as well as the economic problems still facing the State party in general and sectors of the Indonesian population, in particular.

## D. Principal subjects of concerns

7. The status of the reservation, made at the time of ratification, in particular, vis-à-vis articles 17, 21 and 22 of the Convention is presently

not fully clear. The Committee is, however, encouraged by the willingness of the State party to envisage withdrawing the reservation with respect to those provisions in the near future.

8. The Committee believes that there is a need of a comprehensive review of the domestic legislation to bring it into line with the provisions of the Convention, to ensure that all children subject to the jurisdiction of Indonesia are adequately protected by the rights guaranteed under the Convention, and to provide the basis for specifically targeted strategies as well as for monitoring progress made.

9. The Committee is concerned that national legislation with respect to the age at which a child may marry is not compatible with the non-discrimination provisions of the Convention, as reflected in article 2 of the Convention.

10. The Committee expresses its concern at the apparent low level of awareness among the general public, including children, and personnel working directly with children as to the provisions and principles of the Convention.

11. The Committee is concerned that proper attention has not yet been given to the implementation of the general principles of the Convention, particularly its articles 2, 3 and 12. The Committee reiterates that the implementation of these principles is not to be made dependent on budgetary constraints.

12. The Committee remains concerned at the small proportion of the budget devoted to the social sectors, particularly primary health care and primary education, in contradiction with the provisions of article 4 of the Convention, which emphasize that economic, social and cultural rights should be implemented to the maximum extent of available resources. The Committee further notes that international agencies have questioned the present level of resources allocated in the State party to the social sector.

13. The Committee expresses its concern regarding the implementation of articles 14 and 15 of the Convention. It reiterates that limiting official recognition to certain religions may give rise to practices of discrimination. It is also concerned that the authorities seem to give a wide interpretation to limitations for "lawful purposes" of the exercise of the rights to freedom of religion, expression and assembly, which may prevent the full enjoyment of such rights.

14. The Committee is particularly worried at the lack of compatibility of the system of administration of juvenile justice with the provisions of the Convention, including articles 37, 39 and 40 thereof, and other relevant United Nations standards in this field, namely the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

15. The State party has given assurances that violations similar to those which occurred in November 1991, when security forces used excessive violence against children peacefully demonstrating in Dili, would not occur again. The Committee, however, remains seriously disturbed by the continuing pattern of violation of the right to freedom of assembly and the great number of complaints of ill-treatment of children attributed to the police, security or military personnel, in particular in situations of arrest and detention. The Committee is also disturbed by the failure of the authorities to take effective steps to punish those found guilty of such violations and rehabilitate and compensate the victims of such acts.

16. The Committee is worried about the large number of children who have been forced, in order to survive, to live and/or work in the street.

17. The Committee regrets that serious discrepancies or lacunae still exist in national legislation relating to child labour. In particular, it notes that Law No.1/1951 has never been fully enacted or implemented and that the 1987 ministerial regulation does not provide the necessary protection for working children. It is also concerned about the leniency of the penalties provided for under the law as well as the lack of supervision by the inspectors of the Ministry of Manpower.

## E. Suggestions and recommendations

18. The Committee encourages the Government of Indonesia to complete the review of child-related laws so as to ensure their conformity with the provisions of the Convention and, in that regard, draws once again attention to the activities developed by the Programme of Advisory Services and Technical Assistance of the United Nations Centre for Human Rights. Principles relating to the best interests of the child and prohibition of discrimination in relation to children should be incorporated into domestic law, and it should be possible to invoke them before the courts.

19. The Government should take all necessary steps to ensure the respect and effective implementation of the provisions contained in the Convention and accordingly reflected in national legislation, including those relating to child labour. Relevant mechanisms should be set up to monitor the

implementation of all child-related laws or regulations at the national and local levels. Cooperation with non-governmental organizations involved in the implementation of the Convention and the monitoring thereof should be strengthened.

20. The Committee recommends that the State party undertake a comprehensive reform of the system of juvenile justice and that the Convention and other international standards in this field, such as the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the protection of Juveniles Deprived of their Liberty, be seen as a guide in this revision. Attention should also be paid to measures for rehabilitation and social reintegration, in line with article 39 of the Convention.

21. The authorities should undertake all appropriate measures to the maximum extent of their available resources to ensure that sufficient resources are allocated to children, particularly children living in poverty, children living and/or working in the streets and children belonging to minority groups and other vulnerable children.

22. The Committee recommends that urgent measures be adopted to combat discrimination against children belonging to the most vulnerable groups, in particular children living in poverty, children living and/or working in the streets, children living in remote parts of the country, and children belonging to minorities, including measures to eliminate and prevent discriminatory attitudes and prejudices such as those based on gender.

23. The Committee encourages the efforts currently under way to adopt adequate norms and implementing regulations relating to the protection of young children and young persons at work. The mechanisms established to monitor the situation of working children should be strengthened in order to assess the implementation of the Convention and to narrow the gap between the law and practice. The Committee believes that technical advice, particularly from ILO, may be appropriate with regard to these matters.

24. The Committee urges that the State party take all necessary measures to prevent disappearances, torture, ill-treatment, and illegal or arbitrary detention of minors; that all such cases be systematically investigated in order to bring those suspected of having committed such acts before the courts; and that those found guilty be punished and that the victims be compensated.

25. The Committee recommends that the provisions of the Convention should be widely publicized, among the general public and, in particular, among teachers, social workers, law enforcement officials, the staff in correctional facilities, judges and members of other professions, who are concerned with the implementation of the Convention.

26. The Committee recommends that the initial report and additional information along with the relevant summary records and the preliminary and concluding observations adopted thereon by the Committee, be made widely available to the public at large, including non-governmental organizations.

27. Finally, the Committee recommends that, in the light of article 44, paragraph 4, of the Convention, additional information is submitted to the Committee within two years about progress in relation to the legal reforms envisaged in points 18-20 above, and their implementation.